

INFORMATION LETTER

Not for
Publication

NATIONAL CANNERS ASSOCIATION

For Members
Only

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HEARING ON GENERAL FOOD LAW REGULATIONS IN NOVEMBER

Separate Hearing to Be Held at Later Date on McNary-Mapes Provisions

Public hearing on general administrative regulations for the Food, Drug, and Cosmetic Act, which are now being drafted by the Food and Drug Administration, will be held probably early in November, it has been announced. Regulations relating to the McNary-Mapes amendments will be the subject of a separate hearing that will be held at a later date.

The general regulations to be covered in the November hearing will include many subjects of interest to canners, such as the shipment of unlabeled goods, provision regarding delivery to manufacturer or dealer of division of samples taken for inspection, methods of analysis, hearings, publication of judgments, name and address of manufacturer, labeling requirements, and by-products or waste food material.

With respect to the answering of inquiries on specific questions in advance of the promulgation of administrative regulations, W. G. Campbell, chief of the Food and Drug Administration, has written the following letter to the Association setting out the position of that office:

"In answer to your inquiry about the position of this office at this time to answer fully inquiries from food, drug, and cosmetic manufacturers arising about the interpretation of the provisions of the Food, Drug, and Cosmetic Act which becomes effective in all respects on June 25, 1939, may I say that no attempt is being made to give full or final replies to the preponderating number of such inquiries.

"This is so not because of the disposition of administrative officers not to be helpful, but by the very nature of the inquiries themselves. Rather comprehensive legal and administrative consideration must be given to a large number of them. We are busily engaged, and have been since the enactment of the law, in the preparation of general administrative regulations. These regulations, when eventually promulgated, will constitute the answer to a great many inquiries. It is our purpose, so soon as legal consideration shall have been given to the existing draft, to announce a public hearing. This announcement will precede the hearing by at least 30 days. Following the hearing, at which the criticisms, comments and recommendations of all interested parties will be recorded, the Department will determine the respects in which the tentative regulations shall be modified prior to promulgation.

"You fully understand the difficulty of speaking conclusively either by regulation or administrative pronouncement on the interpretation of the provisions of the statute in the absence of controlling court decisions. So far as it has been possible to do so we have attempted to meet the demands of the industry for advance information by acquainting appropriate executive officers of the trade associations with the administrative conclusions which we have tentatively reached. We will continue to do this as far as it is practicable and

wise. I think in no instance have we failed to keep you informed of such commitments as we felt ourselves in a position to make with respect to the interpretation of those provisions of the Act applicable to canned goods."

Dominican Republic Requires Date on Labels

All classes of canned foods imported into the Dominican Republic after December 15 must have stamped on the labels the date of canning and the maximum period during which the foods will be fit for consumption, according to a report from the American consulate at Ciudad Trujillo. Actual stocks of canned foods on hand that do not bear the required label may not be sold to the public after this date.

This notice will bring canned food imports into compliance with provisions of article 282 of the Dominican Republic Sanitary Code (Law No. 1459, promulgated February 22, 1938), which requires that the labels of all canned foods show the date of canning and the period of fitness for consumption.

LEAD TOLERANCE IN FRUIT

Changed by Secretary of Agriculture to 0.025 Grain per Pound

Tolerance for lead in fruits has been changed to 0.025 grain per pound by the Secretary of Agriculture, according to an announcement on September 19. The tolerance for arsenic, expressed as arsenic trioxide, and for fluorine have not been changed and remain 0.01 grain per pound.

Tolerance for lead formerly was 0.018 grain per pound. The change is based on experimental work of the U. S. Public Health Service especially authorized in the Appropriation Acts for the fiscal years ending June 30, 1938 and 1939. The announcement to growers and shippers of apples and pears, signed by the Secretary, reads as follows:

On January 26, 1937, this Department announced that the lead tolerance of 0.018 grain per pound would remain in effect until further notice and that the tolerances for arsenic (expressed as arsenic trioxide) and fluorine would in each instance be 0.01 grain per pound.

By the Appropriation Acts for the years ending June 30, 1938 and 1939 the United States Public Health Service was authorized to undertake an investigation to determine the possibly harmful effects on human beings of spray insecticides on fruits and vegetables. This Department has taken the position that it would be guided by the recommendations of the Public Health Service and would liberalize the tolerances if advised by that bureau that this could be done without endangering the health of consumers.

On August 27, 1938, the Treasury Department submitted a document entitled "Progress Report of the Results of a Field Study of the Effects of Inhalation and Ingestion of Lead Arsenate on the Human Body." This report contained no recommendations for changes in existing tolerances. This Depart-

ment therefore, on September 2, requested that the report be supplemented with a statement of the Public Health Service's views as to whether or not, in the light of the findings so far obtained, a relaxation of the tolerances could now be made without endangering the health of consumers.

This Department is now in receipt of the following communication from the Treasury Department dated September 14:

"Reference is made to your letter of September 2, 1938, concerning the 'Progress Report of the Results of a Field Study of the Effects of Inhalation and Ingestion of Lead Arsenate on the Human Body', which requests that the Public Health Service supplement this report with a statement as to whether or not, in the light of the findings so far obtained, a relaxation of the tolerance may now be made without endangering the health of consumers of fruit.

"As stated in the above report, this was a progress report of the findings as of June 25, 1938, on the epidemiological field study in the State of Washington. The first publication entitled 'Absorption and Excretion of Lead Arsenate in Man' in connection with the Appropriation Act of 1938 in which the Public Health Service was authorized by Congress to determine the possible harmful effects on human beings of spray insecticide on fruits and vegetables was published in the Public Health Reports of July 22, 1938. A copy of this article is attached.

"The findings of this experiment on human beings ingesting a specific amount of lead arsenate have been substantially confirmed by the findings on a larger group of actual consumers at Wenatchee, Washington. As far as can be ascertained from the present study, the consumers examined at Wenatchee had ingested more lead arsenate spray residue than the ordinary consumer, and there is no evidence of untoward effects in these consumers. Results of animal experimentation now in progress are also consistent with these findings on humans.

"It is the understanding of the Public Health Service that the Department of Agriculture has the authority under law to promulgate rules and regulations concerning the contamination of food.

"The findings of the Public Health Service, so far, have failed to reveal evidence of untoward effects on human beings from the ingestion of lead arsenate in excess of present tolerances. Since it is their understanding that the urgency for changing the tolerance to which you refer relates to the tolerance for lead and that the present tolerance for arsenic can be met more easily in practice, should the Department of Agriculture place the tolerance for lead at 0.025 grain per pound, there is nothing in their findings to date to suggest that this increase above the present tolerance would be sufficient to endanger the health of the consumer."

In the light of this advice the Department will not institute action under the Food and Drugs Act against fruit containing 0.025 grain per pound of lead, or less. The tolerances for arsenic and fluorine have not been changed.

State Labor Commissioners to Meet

To formulate plans for compliance and local enforcement of the wage and hour law, a conference of State labor commissioners has been called by Administrator Elmer F. Andrews to meet in Washington October 18 and 19. The meeting will consider methods of local enforcement of both the wage-hour and child-labor provisions of the Act.

Grade Standards for Sweet Cherries Revised

Bureau of Agricultural Economics has issued a revision (effective September 10, 1938) of its grades for sweet cherries that became effective October 20, 1936. This revision does not appear to alter the details of the former standards but contains much explanatory matter in amplification of the various requirements. These revised tentative standards are issued in mimeographed form and copies may be obtained of Mr. Paul Williams, Bureau of Agricultural Economics, Department of Agriculture, Washington.

The standards for grades formulated by the Bureau of Agricultural Economics should not be confused with the standards formulated by the Food and Drug Administration for use in connection with enforcement of the Food and Drugs Act.

Practice Recommendations for Wooden Boxes

Copies of Simplified Practice Recommendation R171-38, applicable to wooden boxes for canned fruits and vegetables, may be obtained from the Government Printing Office at Washington, D. C., for 5 cents each. This recommendation, which was proposed by the National Wooden Box Association, establishes a simplified list of inside dimensions for boxes based on the unit of pack, the size of cans, and the arrangement of cans in the box. The recommendation is effective from July 1, 1938, and is subject to regular review by a standing committee of the industry.

Canned Pea Week Postponed Two Weeks

Sales drive for canned peas in Wisconsin, which is to be promoted as a Canned Pea Week, has been postponed two weeks to October 17-22, according to announcement. Pea canners are reported to have already pledged enough money to make the sales drive possible, but distribution and arrangement of advertising and display material has necessitated the two-week delay.

Frozen and Cured Fish Stocks on August 15

Cold storage holdings of frozen fish in the United States on August 15 totaled 75,392,000 pounds, compared with 66,204,000 pounds on the same date a year ago, and the 5-year average of 61,824,000 pounds for August, according to the Bureau of Fisheries. This was a recorded increase of 14 per cent compared with a year ago, and of 22 per cent as compared with the 5-year average. The quantity of fish frozen during the month ended August 15 amounted to 20,884,000 pounds. This is an increase of 24 per cent compared with the same month a year ago, and of 15 per cent as compared with the 5-year average.

Stocks of cured herring in cold storage on August 15 amounted to 18,021,000 pounds, compared with 17,610,000 pounds on the same date a year ago, representing an increase of 2 per cent. Stocks of mild-cured salmon amounted to 4,499,000 pounds, compared with 5,969,000 pounds for the same date a year ago, representing a decrease of 25 per cent.

A STATEMENT TO READERS OF THE INFORMATION LETTER

From time to time the Association receives inquiries regarding the basis on which items are selected for publication in the INFORMATION LETTER, and this statement is made so that readers of the Letter may have a more definite idea of the editorial policy for the Letter, likewise a better understanding of the extent of the Association's responsibility for its contents.

The editorial policy for the Information Letter has developed from experience gained since the Letter was first established, and from the staff's interpretation of results of questionnaires sent to members as well as correspondence and discussions with individual canners.

The Letter does not purport to be a trade journal or to take a place in the trade journal field. It is essentially a service to the Association's members.

The Letter serves, first of all, as a medium for communicating to members information on Association actions and activities. Second, it serves as a medium for reporting government activities such as the proceedings of Congress; court decisions and rulings on cases of interest to the industry; rules, regulations and activities of regulatory agencies, and reports of government agencies containing information of interest to canners. Third, it serves to bring to its readers information from other sources that is of particular interest to its canner members.

In the selection of material for the Letter several tests are applied:

First, is the material from an authentic source?

Second, is the material unbiased and free from propaganda?

Third, is it of interest to the entire industry or to some branch of the industry?

Fourth, will it come to the attention of canners through other mediums thus making its publication in the Information Letter unnecessary?

Fifth, if of general interest to all industries, can it be so prepared for publication as to bring out its particular bearing on the canning industry and trade?

Sixth, is it material of which canners should have somewhere a record that can readily be consulted?

Underlying the application of all these tests is the Association's general policy of engaging in no activities that are sectional or factional in character. This policy excludes from the Letter material relating to matters that may be subject of controversy within the industry.

Obviously, what goes into the Letter depends in great measure upon the judgment of those selecting and preparing the copy. In exercising that judgment the general rule has been to exclude rather than include items about which there may be doubt. Obviously, too, all that appears in the Letter cannot be of equal interest and value to all canners in all parts of the country, and this fact requires editorial judgment to maintain a proper proportion in the Letter's contents.

From the foregoing, it is clear that responsibility for determining whether items are suitable for publication, and for making checks for their accuracy, rests upon the Association's staff. On the other hand, neither the Association nor its staff is to be held responsible for interpretations or opinions that others may express upon these items.

ALASKA SALMON PACK

The following figures on the Alaska salmon pack, as reported by the U. S. Bureau of Fisheries, show the pack by districts and species to September 17, except where otherwise noted:

Districts	Coho Cases	Chum Cases	Pink Cases	King Cases	Red Cases	Total Cases
Bristol Bay.....	332	52,438	4,828	1,754,387	*1,811,985
Alaska Peninsula:						
North Side.....		4,726	1,022	74,175	*79,923
South Side.....	21,236	127,925	363,752	1,659	59,524	*574,096
Chignik.....	2,285	9,223	13,675	137	35,286	*60,606
Kodiak.....	11,250	64,486	446,346	254	138,457	663,793
Cook Inlet.....	32,753	16,198	54,267	15,902	169,615	*288,735
Resurrection Bay.....					1,182	*1,182
Prince William Sound.....	5,692	31,105	461,755	284	10,034	*508,870
Copper River.....				2,558	64,818	*67,376
Southeast Alaska:						
Yakutat.....	19,619	367	7,365	1,448	26,981	55,780
Icy Strait.....	14,058	52,892	158,698	215	46,526	272,387
Western.....	8,394	56,116	163,377	48	20,868	248,803
Eastern.....	8,091	50,868	95,951	4,790	13,817	173,517
Wrangell.....	20,433	59,652	217,161	86	18,492	315,824
Southern.....	26,861	149,973	749,432	485	44,399	971,150
Prince of Wales Island.....	30,085	67,384	329,083	9,067	20,395	456,014
Total.....	201,089	746,351	3,060,862	42,783	2,498,956	6,550,041

* Final.

Pacific Fisheries Convention November 2-4

Twenty-fifth annual convention of the Association of Pacific Fisheries will be held at Hotel Del Monte, Del Monte, California, from November 2 through 4, according to announcement from August Buschmann, president.

Home Management Problems Discussed

Prominent people from 30 countries spoke at and attended the Seventh International Management Congress held in Washington this week. At the Home Management sessions, managerial problems of the home were discussed from many angles. Representatives of the Association's Home Economics Division were present at these sessions, which were attended by home economic women from several foreign countries and from practically all parts of the United States. These women represented the American Home Economics Association, business firms, the Government, newspapers, and magazines.

Notes on Insect Pests

The following notes are taken from the September 1 issue of the "Insect Pest Survey Bulletin" published by the Bureau of Entomology and Plant Quarantine, U. S. Department of Agriculture:

"The corn ear worm is more generally distributed in Maine than it has been for many years. Otherwise this insect is about normally abundant throughout the greater part of the country, although rather heavy outbreaks on both corn and cotton are reported from the Gulf region.

"Serious damage by second-brood European corn borer is expected in Massachusetts, Connecticut, New York, New Jersey, Ohio, and Indiana. Unusually large numbers of eggs were observed during August. In the latter State this insect occasioned commercial damage for the first time since it has been known to occur in that State.

"Oriental fruit moth was abnormally abundant in the southern New England, Middle Atlantic, and South Atlantic States, reports of infestations also being received from Mississippi and Ohio.

"The tomato psyllid did considerable damage in Colorado, Montana, and Utah.

"Mexican bean beetle continued to spread northeastward in Maine, and in New York State this insect occasioned serious injury. Similar heavy infestations of beans were reported from New Jersey, southward to Florida, and westward to Tennessee, Ohio, Indiana, Missouri, and Mississippi.

"Pepper weevil occasioned from heavy to very heavy damage in southern California."

FSCC to Buy Surplus Dried Peaches

Up to 4,000 tons of surplus new and old crop packed dried peaches will be bought by the Federal Surplus Commodities Corporation in California under a renewed purchase program.

Prune Diversion Program Announced

Diversion program of substandard dried prunes produced in California, Oregon, and Washington to by-product uses, was announced last week. Cost of the program will not exceed \$350,000.

California Dry Bean Stocks

Total holdings of dry beans in California warehouses on September 1 were 1,046,609 bags, as compared with 524,161 bags on September 1, 1937, and with 1,101,037 on August 1, 1938, according to a report of the Federal-State Market News Service. While there was a small net reduction in total holdings during August, practically all varieties showed increases in earliest producing sections. For the State as a whole, stocks of Small Whites, Limas, Blackeyes, California Reds, Cranberries, and Bayos were reduced during August, while holdings of other varieties were increased.

Fruit and Vegetable Market Competition

Carlot Shipments as Reported by the Bureau of Agricultural Economics, Department of Agriculture

VEGETABLES	Week ending—			Season total to—	
	1937	1938	1938	1937	1938
Beans, snap and lima	3	9	3	8,098	8,110
Tomatoes.....	669	877	1,145	20,162	30,731
Green peas.....	115	162	225	6,493	5,582
Spinach.....	29	30	30	8,209	6,624
Others:					
Domestic, competing directly....	3,483	2,652	1,529	127,496	120,060
Imports, competing indirectly....	41	100	42	67	193
FRUITS					
Citrus, domestic....	1,422	2,275	2,030	137,338	165,652
Imports.....	18	34	40	267	175
Others, domestic....	5,152	4,389	4,557	46,096	46,048

FSCC Butter Purchases Reach 40,000,000 Pounds

With the purchase last week of 30,000,000 pounds of butter by the Federal Surplus Commodities Corporation, a total of 40,000,000 pounds had been bought by the corporation for relief distribution. Butter was bought from the Dairy Products Marketings Association which has bought about 90,000,000 pounds of butter since June.

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